

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:)	Chapter 7
)	Case No.15-35781
TRIAD CONCRETE, INC.)	Hon. Timothy A. Barnes
)	Hearing Date: Wed., 12/13/17
)	@ 10:30 a.m.
Debtor.)	

NOTICE OF MOTION

PLEASE TAKE NOTICE that **Wednesday, December 13, 2017 at 10:30 a.m.**, or as soon thereafter as may be possible, we shall appear before the Honorable Timothy A. Barnes or any other Judge sitting in his stead, in **Courtroom 744**, of the Dirksen Federal Building, 219 South Dearborn, in Chicago, Illinois, and shall then and there present the attached **Application of Trustee's Attorneys for the Allowance of Final Compensation and Reimbursement of Expenses**, a copy of which is hereby served upon you.

/s/ Norman B. Newman
Norman B. Newman, Trustee for the bankruptcy estate
of Triad Concrete, Inc.

Norman B. Newman, ARDC No. 02045427
MUCH SHELIST, P.C.
191 North Wacker Drive, Suite 1800
Chicago, Illinois 60606
Telephone: 312.521.2000
Facsimile: 312.521.2100

CERTIFICATE OF SERVICE

Norman B. Newman, an attorney, hereby certifies that on November 17, 2017, he electronically filed this Application for Compensation with the Clerk of the Court via the Court's CM/ECF system which will send electronic notification to those individual registered to receive notice.

/s/Norman B. Newman

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**APPLICATION OF TRUSTEE'S ATTORNEYS FOR THE ALLOWANCE OF FINAL
COMPENSATION AND REIMBURSEMENT OF EXPENSES**

Much Shelist, P.C. ("Much Shelist"), attorneys for Norman B. Newman, not individually but solely as the Chapter 7 Trustee herein, (the "Trustee") moves this Court, pursuant to Section 330 of the Bankruptcy Code and Bankruptcy Rule 2016, for the allowance of final compensation and reimbursement of expenses for services rendered during the period November 11, 2015 through October 12, 2017. In support of this application, Much Shelist states as follows:

1. On October 21, 2015, Triad Concrete, Inc., (the "Debtor"), filed a voluntary petition for relief under Chapter 7 of the United States Bankruptcy Code. The Trustee was subsequently appointed, qualified and presently serves as Trustee.

2. On December 1, 2015, this Court entered an Order authorizing the Trustee to employ Much Shelist as his attorneys in this case. This application includes legal services rendered by the Trustee. Mr. Newman has taken care to distinguish his legal services from his Trustee services. Attached hereto as Exhibit "A" is an itemization of Mr. Newman's Trustee services. Mr. Newman is not seeking compensation for the services identified on Exhibit "A" as part of this Application. He is filing a separate Application for Trustee Compensation.

3. Other than as permitted under Section 504 of the Bankruptcy Code, Much Shelist has no agreement with any person or firm whatsoever with regard to its compensation in this

case. To date, Much Shelist has received no amounts whatsoever for services it has rendered in this case.

4. Much Shelist provided 46.20 hours of services on behalf of the Trustee during the time period covered by this application. The following is a summary of time expended, by individual, during the time period covered by this application:

Attorney		Hours Expended	Hourly Rate	Amount
Norman B. Newman	(1/1/15-12/31/15)	13.40 hrs.	\$625.00/hr.	\$8,375.00
Norman B. Newman	(1/1/16-12/31/16)	9.70 hrs.	\$640.00/hr.	6,208.00
Norman B. Newman	(1/1/17-Present)	.80 hrs.	\$655.00/hr.	524.00
Jeffrey L. Gansberg	(1/1/16-12/31/16)	9.90 hrs.	\$440.00/hr.	4,356.00
Jeffrey L. Gansberg	(1/1/17-Present)	.80 hrs.	\$450.00/hr.	360.00
John A. Benson, Jr.	(1/1/15-12/31/15)	2.50 hrs.	\$350.00/hr.	875.00
John A. Benson, Jr.	1/1/16-12/31/16)	9.10 hrs.	\$365.00/hr.	3,321.50
TOTAL:		46.20 hrs.		\$24,019.50

5. Attached hereto as Exhibit "B" is a statement of legal services rendered. The services are listed chronologically and are separated by activity. Certain time entries could have been listed under a different activity, but there is no duplication of time entries. The services were rendered in connection with and in furtherance of assisting the Trustee in the performance of his duties as delineated by §704 of the Bankruptcy Code. This application complies with the standards enunciated in *In re Continental Securities Litigation*, 572 F. Supp. 931 (N.D. Ill. 1983) modified 692 F.2d 766 (7th Cir. 1992).

6. At all times relevant hereto, Much Shelist provided legal services in the most efficient and cost effective manner. Much Shelist's goal was to obtain a positive resolution of the matter at hand, while in the process minimizing the costs to the estate.

7. During the time period covered by this application, Much Shelist's attorneys have provided services to the Trustee with respect to the following matters:

A. General Administration (Tab B-1): Much Shelist provided a total of 1.10 hours of General Administrative services to the Trustee. Counsel corresponded with the U.S. Trustee's Office regarding bond issues for an auctioneer. Counsel also reviewed loan documents and communicated with the Debtor's principal about pre-petition payments to U.S. Bank and details of the upcoming auction sale. The individual who provided services in connection with General Administration and the time expended by him is as follows:

Attorney	Hours Expended	Hourly Rate	Amount
Norman B. Newman	1.10 hrs.	\$625.00/hr.	\$687.50
TOTAL:	1.10 hrs.		\$687.50

B. Employment of Professionals (Tab B-2): A total of 9.90 hours of time was expended by Much Shelist with the preparation of pleadings and appearances in Court on the Trustee's Motion to Employ Attorneys and the Trustee's Motion to Employ the PPL Group ("PPL") as Auctioneers. Counsel for the Trustee communicated with PPL regarding the preparation of its Commission Agreement and affidavit of disinterestedness.

The individuals who provided services in connection with the Trustee's employment of attorneys and the time expended by them are as follows:

Attorney	Hours Expended	Hourly Rate	Amount
Norman B. Newman	.80 hrs.	\$625.00/hr.	\$500.00
Norman B. Newman	.40 hrs.	\$640.00/hr.	256.00
John A. Benson	1.10 hrs.	\$350.00/hr.	385.00
John A. Benson	7.60 hrs.	\$365.00/hr.	2,774.00
TOTAL:	9.90 hrs.		\$3,915.00

C. Disposition of Assets (Tab B-3): A total of 28.50 hours of time was expended by Much Shelist in connection with the Disposition of Assets. The Debtor's assets consisted of a bank account, construction equipment and vehicles for concrete installation and outstanding

accounts receivable. Much Shelist attorneys engaged in telephonic and written communications with the Debtor's counsel with regards to the turnover of funds in Debtor's bank account in the amount of \$13,500.

Much Shelist attorneys communicated telephonically with representatives of PPL, the auctioneers, regarding the sale of the Debtor's personal property and an auction proposal. Time was spent reviewing the auctioneer's Commission Agreement, insurance requirements and sale procedures. In preparation for the auction, counsel for the Trustee communicated with the Debtor's attorney regarding obtaining titles to certain vehicles being sold and information as to whether liens existed on same. Time was spent investigating which banks might hold liens on the title to a dump truck and corresponded with the bank to obtain a release of lien for same. Numerous telephonic communications were held with the Debtor's landlord and a PPL representative to coordinate access and payment for the use of the landlord's property. The auction sale netted \$1,700 for the estate. Due to the auctioneer's inability to sell all of the Debtor's remaining personal property, the Trustee decided to abandon all remaining personal property. Counsel prepared and appeared in Court on the Trustee's Motion to Abandon Personal Property.

The Debtor's Schedules reflected that monies were still owed from work completed by the Debtor on the following projects: a) the Kimberly Court Apartment project; and b) the Finley Supportive Housing project. Much Shelist attorneys engaged in telephonic and written communications with the title company representatives requesting payment of funds owing to the Debtor which were being held in escrow. Time was spent preparing waivers of lien for each project and transmitting them to the title company. Counsel engaged in numerous follow-up communications with the title company representatives requesting turnover of funds. Through

the efforts of Much Shelist attorneys, a total of approximately \$13,600 was received for the benefit of creditors of this estate.

The individuals who provided services in connection with Disposition of Assets and the time expended by them are as follows:

Attorney	Hours Expended	Hourly Rate	Amount
Norman B. Newman	8.50 hrs.	\$625.00/hr.	\$5,312.50
Norman B. Newman	8.30 hrs.	\$640.00/hr.	5,312.00
Jeffrey L. Gansberg	8.80 hrs.	\$440.00/hr.	3,872.00
John A. Benson, Jr.	1.40 hrs.	\$350.00/hr.	490.00
John A. Benson, Jr.	1.50 hrs.	\$365.00/hr.	547.50
TOTAL:	28.50 hrs.		\$15,534.00

D. Claims Administration/Analysis (Tab B-4): Much Shelist expended 5.90 hours of time reviewing the claims register and proofs of claims for objectionable claims, specifically the secured claim of U.S. Bank, f/k/a/ United Community Bank of Lisle (“the Bank”). Prior to the filing of the Debtor’s Chapter 7 petition, the Debtor sold various construction-related assets and motor vehicles. Sale proceeds were turned over to the Bank within 90 days prior to the filing of the Debtor’s Chapter 7 case on account of the Bank’s claim against the Debtor (“Preference Payment”). Numerous telephonic and written communications were held with the Debtor’s counsel and the Bank’s counsel concerning the repayment of funds the Bank received from the sale of assets which were not subject to the Bank’s lien. Much Shelist attorneys reviewed numerous loan agreements, related notes, mortgages and loan payment histories, as well as UCC searches pertaining to the liens. Time was also spent performing research on the perfected security interest held on the personal property. Counsel exchanged numerous telephonic and written communications with the Bank’s counsel and participated in extensive negotiations regarding the resolution of the Bank’s claim. As a result, the Trustee agreed to allow the Bank’s secured claim in the amount of \$12,000 on the condition that the Trustee

retained the funds he received from a turnover of the Debtor's bank account. Time was also spent preparing the Trustee's Motion to Settle Claim and appearing in Court on same.

The individual who provided services in connection with Claims Administration/Analysis and the time expended by them are as follows:

Attorney	Hours Expended	Hourly Rate	Amount
Norman B. Newman	3.00 hrs.	\$625.00/hr.	\$1,875.00
Norman B. Newman	1.00 hrs.	\$640.00/hr.	640.00
Jeffrey L. Gansberg	1.10 hrs.	\$440.00/hr.	484.00
Jeffrey L. Gansberg	.80 hrs.	\$450.00/hr.	360.00
TOTAL:	5.90 hrs.		\$3,359.00

E. Fee Applications (Tab B-5): Much Shelist expended .80 hrs. dealing with the preparation of this fee application. The attorney who provided services in this category and the time expended by him is as follows:

Attorney	Hours Expended	Hourly Rate	Amount
Norman B. Newman	.80 hrs.	\$655.00	\$524.00
TOTAL:	.80 hrs.		\$524.00

8. During the time period covered by this Application, Much Shelist incurred out-of-pocket expenses in the amount of \$98.94. Attached hereto as Exhibit "C" is an itemization of Much Shelist's out-of-pocket expenses. Much Shelist asserts that these out-of-pocket expenses were reasonable in its representation of the Trustee.

9. By reason of the foregoing, Much Shelist states that it is entitled to a final award of compensation and reimbursement of out-of-pocket expenses for services rendered to the Trustee in this matter. Much Shelist recognizes that there are insufficient funds on hand in the Debtor's estate to pay the amount of fees requested in full. Much Shelist will accept a pro-rata share of the available funds.

WHEREFORE, Much Shelist, P.C. respectfully requests that this Court enter an Order as follows:

1. Granting this Application and awarding Much Shelist final compensation in the amount of \$24,019.50 plus reimbursement of out-of-pocket expenses in the amount of \$98.94 for services rendered during the period November 11, 2015 through October 12, 2017;
2. Authorizing the Trustee to pay Much Shelist the compensation awarded forthwith as a Chapter 7 expense of administration of this estate; and
3. Granting such other and further relief as this Court deems just and appropriate.

Much Shelist, P.C.

By: /s/ Norman B. Newman
One of Its Attorneys

Norman B. Newman (Atty. ID# 02045427)
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**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: TRIAD CONCRETE, INC. <p style="text-align: center;">Debtor.</p>)))))	Chapter 7 Case No.15-35781 Hon. Timothy A. Barnes
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COVER SHEET FOR APPLICATION FOR PROFESSIONAL SERVICES

Name of Applicant:	Much Shelist, P.C.
Authorized to provide professional services to:	Norman B. Newman, Chapter 7 Trustee
Date of Order Authorizing Employment:	December 1, 2015
Period for which compensation is sought:	11-11-15 thru 10-12-17
Amount of fees sought:	\$24,019.50
Amount of expense reimbursement sought:	\$98.94
Retainer previously received:	\$0.00
This is a(n):	Interim Application <u> </u> Final Application <u> X </u>

Prior fee applications:

Date Filed	Period Covered	Total (Fees and Expenses)	Requested and	Total Allowed	Any Ordered	Amount Withheld
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The aggregate amount of fees and expenses *paid* to the Applicant to date for services rendered and expenses incurred herein is: \$0.00

Dated: 11/17/17

MUCH SHELIST, P.C.

By: /s/Norman B. Newman